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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,418	02/09/2004	Katsuhiko Hara	00862.022146.1	6585

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EXAMINER
SORRELL, ERON J

ART UNIT	PAPER NUMBER
2182	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 February 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>32,33,36-38,41-43 and 46-55</u> is/are pending in the application.

4a) Of the above claim(s) <u>48-55</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>32,33,36-38,41-43,46 and 47</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>09 February 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. <u>09/805,883</u>.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Newly submitted claims 48-55 are directed to an invention
that is independent or distinct from the invention originally
claimed for the following reasons: Previously examined
independent claims 32,37, and 42 are directed toward an
apparatus, method and system for installing a device driver on
an information processing device so that information processing
device can control a peripheral device, classified in 710/8.
Newly submitted independent claims 48-55 are directed toward a
system wherein an information processing apparatus transmits
first and second programs to first and second devices for
transmitting first and second data to and from the first and
second devices (a method of distributed data processing)
classified 709/201.

     Since applicant has received an action on the merits for
the originally presented invention, this invention has been
constructively elected by original presentation for prosecution
on the merits. Accordingly, claims 48-55 are withdrawn from
consideration as being directed to a non-elected invention. See
37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

2.   Claims 32,37, and 42 are objected to because of the

following informalities: The claims recite in part, "wherein

the device driver is obtained from the external information

processing apparatus…" This language is redundant, as the

previous limitation already makes clear that the obtaining means

receives the driver from the external device. Appropriate

correction is required.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

4.   Claims 32,33,37,38,42, and 43 are rejected under 35 U.S.C.

103(a) as being unpatentable over Lo et al. (U.S. Patent No.

5,911,044 hereinafter "Lo") with Poger et al. (U.S. Patent No.

6,772,420 hereinafter "Poger").

5.   Referring to claims apparatus 32, method claim 37, and
computer readable storage medium claim 42, Lo teaches an
information processing apparatus connected with an external
information processing apparatus and a peripheral apparatus via
a network (see figure 3), comprising:

executing means (item 134, figure 3) for executing a
scanning process using the device driver to obtain data (see
lines 48-57 of column 7); and

transmitting means (item 132, figure 3) for transmitting
the data obtained by the scanning process (see lines 3-12 of
column 8).

Lo fails to teach the information processing apparatus
comprises obtaining means for obtaining a device driver, which
controls the peripheral device, delivered from the external
information processing apparatus, wherein the device driver is
obtained from the external information processing apparatus.

Poger teaches, in a system wherein an information
processing apparatus is connected to an external device and a
peripheral device via a network, the above limitation (see lines
56-64 of column 3).

It would have been obvious to one of ordinary skill in the
art at the time of the applicant's invention to modify the
system and method of Lo with the above teachings of Poger.   One

of ordinary skill in the art would have been motivated to make

such modification in order to automatically install device

drivers for devices that may be newly connected to the network

as suggested by Poger (see lines 6-14 of column 2).

6.   Referring to claim 47, Lo teaches a network system

comprising a peripheral device and an information processing

apparatus storing a device driver for driving the peripheral

device (figure 3),

        executing means (item 134, figure 3) for executing a

scanning process using the device driver to obtain data (see

lines 48-57 of column 7); and

        transmitting means (item 132, figure 3) for transmitting

the data obtained by the scanning process (see lines 3-12 of

column 8).

        Lo fails to teach another information processing apparatus,

wherein the other information processing apparatus comprises

transfer means for transferring the device driver from said

first information processing apparatus without receiving a

request for obtaining the device driver from said second

information processing apparatus and the information processing

apparatus comprises obtaining means for obtaining, from said

first information processing apparatus, the device driver

transferred from said first information processing apparatus.

Poger teaches, in a system wherein an information

processing apparatus is connected to an external device and a

peripheral device via a network, the above limitation (see lines

56-64 of column 3).

It would have been obvious to one of ordinary skill in the

art at the time of the applicant's invention to modify the

system and method of Lo with the above teachings of Poger. One

of ordinary skill in the art would have been motivated to make

such modification in order to automatically install device

drivers for device that may be newly connected to the network as

suggested by Poger (see lines 6-14 of column 2).

7.   Referring to apparatus claim 33, method claim 38, and

computer-readable storage medium claim 43, Lo teaches the

apparatus includes driving means for executing the device driver

(see lines 48-57 of column 7). Incorporating the teachings of

Poger cited above in the rejection of claims 32,37, and 42, the

driving step would occur after the driver has been loaded

(completion of preparation of the device driver). It would have

been obvious to one of ordinary skill in the art at time of the

applicant's invention to modify the system of Lo with the

teachings of Poger for the same reasons as mentioned above.

8.   Claims 36,41, and 46 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Lo in view of Poger as applied to claims

32, 37, and 42 above, and further in view of TCP/IP Illustrated

Volume 1, The Protocols (author: W. Richard Stevens, hereinafter

"Stevens").

9.   Referring to apparatus claim 36, method claim 41, and

computer-readable storage medium claim 46, the combination of Lo

and Poger teach the apparatus, method, and computer program

product of claims 32,37, and 42, however the combination is

silent regarding remotely calling a reception program for

receiving the device driver in the external information

processing apparatus via a remote procedure call.

      Stevens teaches remote procedure calls (RPC) allow clients

to call functions in a server are an effective and efficient

means of performing network programming (see page 462). The

teachings would be applicable to the combination of Lo and Poger

as the combination is a system wherein a client accesses a

server to use a peripheral over network (see Lo, figure 3).

It would have been obvious to one of ordinary skill in the
art the time of the applicant's invention to modify the
combination of Lo and Poger with the above teachings of Stevens
such that the obtaining means remotely calls a reception program
for receiving the device driver because Stevens teaches using
RPCs allows for easier programming (see page 462).

Response to Arguments

10. Applicant's arguments with respect to claims 32,37, and 42
have been considered but are moot in view of the new ground(s)
of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of
rejection presented in this Office action. Accordingly, THIS
ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is
reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

A shortened statutory period for reply to this final action
is set to expire THREE MONTHS from the mailing date of this
action. In the event a first reply is filed within TWO MONTHS
of the mailing date of this final action and the advisory action
is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will

expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated

from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than

SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Eron J.

Sorrell whose telephone number is 571 272-4160. The examiner

can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Kim Huynh can be

reached on 571-272-4147. The fax phone number for the

organization where this application or proceeding is assigned is

571-273-8300.

Information regarding the status of an application may be
obtained from the Patent Application Information Retrieval
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like assistance from a USPTO Customer Service Representative or
access to the automated information system, call 800-786-9199
(IN USA OR CANADA) or 571-272-1000.

EJS
April 19, 2007

KIM HUYNH
SUPERVISORY PATENT EXAMINER

4/20/07